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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM		Application Number	09/905,398
		Filing Date	07/14/2001
		First Named Inventor	Nace Layadi
		Group Art Unit	2814
		Examiner Name	Anh D. Mai
Total Number of Pages in This Submission		Attorney Docket Number	Layadi 30-23 (001)

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Post Card Remarks
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TC 2800 MAIL ROOM
AUG 6 2002

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David G. Maire, Esquire Reg. No. 34,865 Beusse, Brownlee, Bowdoin & Wolter, P. A.
Signature	
Date	7/18/2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: **July 18, 2002**

Typed or printed name	Juliana Maire
Signature	
Date	7/18/02

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8/15/02
C. Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Nace Layadi, et al.

Serial No.: 09/905,398

Attorney Docket No.: Layadi 30-23 (001)

Group Art Unit: 2844

Examiner: Anh D. Mai

Filed: 07/14/2001

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Title: POLISH OR ETCH STOP LAYER

Commissioner for Patents

Box No Fee Amendment

Washington, DC 20231

RESPONSE TO REQUIREMENT FOR RESTRICTION

This paper is in response to the requirement for restriction contained in the Office Communication mailed 06/24/2002. Restriction to one of the following inventions is required: Group I, claims 1-12, drawn to a device; and Group II, claims 13-18, drawn to a method.

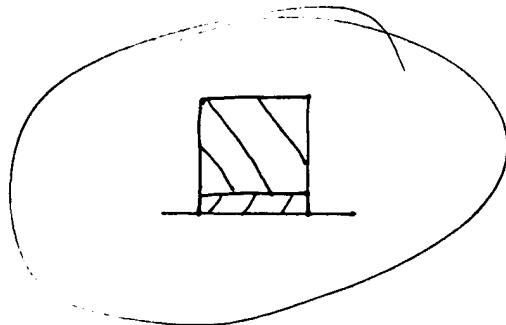
The applicants elect Group I, claims 1-12, with traverse, and request that the requirement for restriction be withdrawn in light of the following comments.

In paragraph 2 of the Office Communication, the Examiner has provided an example of a materially different process that he states will result in the claimed product. In order to more clearly understand the examiner's example, the Examiner's process is restated on the following page along with a sketch of the resulting product at each step of the process:

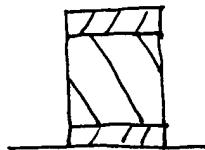
STEP

RESULTING PRODUCT

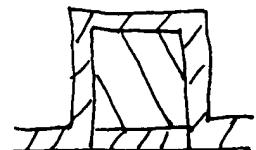
"etching a conductive layer having a tungsten layer formed on a polish stop layer to form a conductive layer"



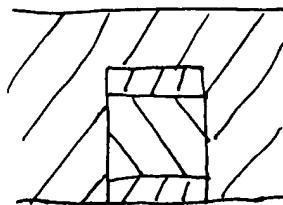
"depositing a second polish stop layer over the feature so etched"



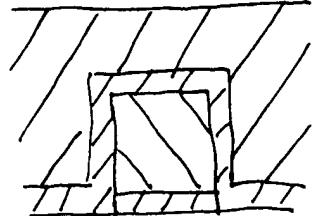
OR



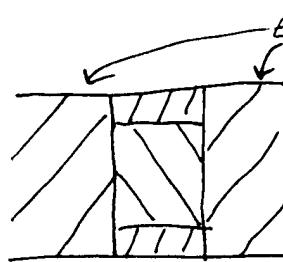
"depositing a layer of dielectric material over the feature so formed"



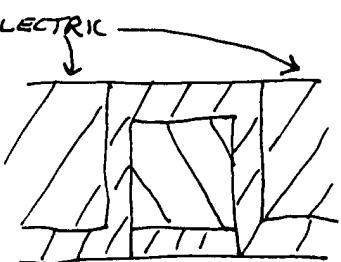
OR



"planarizing the dielectric layer"



OR



The process suggested by the Examiner results in a product having a dielectric layer fully exposed along its top surface. The claimed product has a "polish stop layer disposed over the dielectric layer" (quoted from claim 1). These two products are materially different as illustrated by comparing FIG. 2 of the present application with the sketches above. Accordingly, the claimed

product cannot be formed by the process described in the Office Communication, and the requirement for restriction should be withdrawn.

The Examiner is invited to call the undersigned attorney if he would like to discuss this response or any other issue related to this application.

Respectfully submitted,

A handwritten signature in black ink that reads "David G. Maire". The signature is fluid and cursive, with "David" on the first line and "G. Maire" on the second line.

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